

34715
SEC

SERVICE DATE - MAY 13, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-838

EAST ST. LOUIS JUNCTION RAILROAD COMPANY –
ADVERSE ABANDONMENT – IN ST. CLAIR COUNTY, IL

STB Docket No. AB-33 (Sub-No. 199)

UNION PACIFIC RAILROAD COMPANY –
ADVERSE DISCONTINUANCE – IN ST. CLAIR COUNTY, IL

Decided: May 11, 2004

On August 20, 2003, the Illinois Department of Transportation (IDOT) filed an application under 49 U.S.C. 10903 seeking: (1) the adverse abandonment of the East St. Louis Junction Railroad Company's (ESLJ) rail line in East St. Louis, IL, and (2) the adverse discontinuance of Union Pacific Railroad Company's (UP) service over ESLJ's line. Notice of the application was served and published in the Federal Register on September 9, 2003. Consistent with 49 CFR 1152.26, the notice provided that protests or written comments must be filed with the Board no later than October 6, 2003.

In decisions served on October 1, 2003, November 5, 2003, December 23, 2003, and March 2, 2004, the parties have been granted extensions of time (until November 5, 2003, January 5, 2004, March 5, 2004, and May 4, 2004, respectively) to file written comments or protests in this proceeding. By letter filed on May 7, 2004, UP requests that the due date for written comments or protests in this proceeding be extended by an additional 60 days (until July 2, 2004). UP states that negotiations are underway among IDOT and other parties involved in the highway relocation and construction project that is related to the adverse abandonment and discontinuance application and that an alternative rail service proposal is being reviewed. According to UP, an additional 60-day extension would further facilitate these multi-party negotiations, which, if successfully completed, would permit UP not to oppose IDOT's application. UP adds that it has contacted counsel for IDOT concerning this extension request and IDOT does not object to the extension.

UP's request is reasonable and consistent with the Board's preference for private-sector negotiation and resolution of disputes. Therefore, the request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The deadline for submission of protests or written comments responsive to IDOT's abandonment and discontinuance of service application is extended until July 2, 2004.
2. The due date for IDOT's reply to opposition to its application is extended, accordingly, to July 19, 2004.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary